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11 UNITED STATES DISTRICT COURT  
12 WESTERN DISTRICT OF WASHINGTON AT SEATTLE  
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15 OBERTO SAUSAGE COMPANY, a  
16 Washington corporation,

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18 Plaintiff,

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20 v.

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22 ENDURANCE AMERICAN INSURANCE  
23 COMPANY, a Delaware corporation,

24  
25 Defendant.  
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NO. C15-1221 RSM

STIPULATED MOTION AND ORDER TO  
CONTINUE TRIAL DATE AND ADJUST  
CASE SCHEDULE

28 **I. INTRODUCTION**  
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30 Pursuant to LCR 16(b)(4) and 10(g), Plaintiff Oberto Sausage Company and Defendant  
31 Endurance American Insurance Company stipulate to and respectfully seek an order continuing  
32 the trial date of this matter—presently set for July 24, 2017—to October, 2017. *See* Dkt. No. 23.  
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34 The parties seek a continuance of the trial date, and a corresponding extension of other deadlines,  
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36 in order to allow them to attempt to resolve this matter through mediation prior to completing  
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38 depositions and filing dispositive motions. The parties are in the process of scheduling  
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40 mediation in this matter for May 2017. This is the parties' third and final request for a  
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42 continuance of the trial date. The parties do not anticipate another request for a continuance.  
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## II. RELEVANT FACTS

**A. The parties are scheduling mediation in an attempt to resolve this matter.**

The parties have agreed on a mediator and are in the process of scheduling mediation for May 2017.

**B. The parties require additional time to complete discovery.**

The parties would prefer to mediate this matter prior to incurring the cost of dispositive motions and completing depositions. Counsel for both parties agree additional time is needed to complete discovery in the event mediation is unsuccessful. The parties are in the process of scheduling depositions for dates after mediation.

**C. This is the parties' final request for a continuance.**

The Court previously continued the trial date in this matter by Orders dated May 25, 2016 [Dkt. No. 15] and October 27, 2016 [Dkt. No. 23]. This is the parties' third request for a continuance of the trial date. The parties do not anticipate another request for a continuance.

## III. ANALYSIS

The case schedule may be modified for good cause and with the Court's consent. *See* LCR 16(b)(4), 10(g). Here, good cause exists. In particular, a short continuance of the trial date will allow the parties the time needed to attempt to resolve this matter through mediation. The parties have already agreed on a mediator and are in the process of scheduling mediation. In addition, a short continuance will allow the parties the time necessary to complete depositions and engage in motion practice in the event mediation is unsuccessful.

Based on the foregoing, the parties jointly and respectfully request the Court continue the trial date in this matter to October 23, 2017. The parties do not anticipate another request for a trial continuance.

#### IV. CONCLUSION AND PROPOSED SCHEDULE CHANGE

Counsel for the parties stipulate to the following proposed case schedule and respectfully request the Court enter an order reflecting this stipulated case schedule:

Case Requirement	Proposed New Due Date
Jury trial date	October 23, 2017
Discovery completed by	July 3, 2017
All dispositive motions must be filed by	July 31, 2017
Mediation per CR 39.1(c)(3) held no later than	September 11, 2017
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	September 25, 2017
Agreed Pretrial Order	October 11, 2017
Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due	October 17, 2017

1 DATED this 25<sup>th</sup> day of April, 2017.  
2

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20 DATED this 25<sup>th</sup> day of April, 2017.  
21

22 **NICOLL BLACK & FEIG**

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**I. ORDER**

Based on the foregoing Stipulation,

IT IS HEREBY ORDERED that the existing trial date and corresponding case deadlines  
be changed to the following:

Case Requirement	New Due Date
Jury trial date	October 23, 2017
Discovery completed by	July 3, 2017
All dispositive motions must be filed by	July 31, 2017
Mediation per CR 39.1(c)(3) held no later than	September 11, 2017
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	September 25, 2017
Agreed Pretrial Order	October 11, 2017
Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due	October 17, 2017

DATED this 28<sup>th</sup> day of April 2017.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE